

TOWN OF WEST TISBURY
HOMEOWNERS LICENSE EXEMPTION AGREEMENT

HOMEOWNER _____

PROPERTY ADDRESS _____

The undersigned **HOMEOWNER** requests permission to act as a Supervisor to undertake a construction related project at the above-referenced address without the benefit of a properly licensed contractor under the following terms and conditions:

1. According to the Massachusetts State Building Code, Section 110.R5.1.3.1, the current exemption for "**HOMEOWNERS**" was extended to include owner occupied dwellings of two units or less and to allow such homeowners to engage an individual for hire who does not possess a license, provided that the owner acts as supervisor.
2. By definition, a person who owns a parcel of land on which he or she resides or intends to reside, on which there is, or is intended to be a one- or two-family dwelling, attached or detached structures accessory to such use and/or farm structures, but not manufactured/modular structures, shall be considered a **HOMEOWNER**. A person who constructs more than one home in a two-year period shall not be considered a homeowner.
3. The **HOMEOWNER** will be fully responsible for submission of a complete permit application, site plans, building plans, and any other documentation required by the Building Department to understand the scope and complexity of the work proposed.
4. The **HOMEOWNER** certifies that he or she fully understands the requirements of the Massachusetts State Building Code, 8th Edition, and the Town of West Tisbury Zoning By-Law as they relate to the particular project being undertaken by the permit, and that the **HOMEOWNER ASSUMES FULL RESPONSIBILITY** for compliance with all applicable codes, ordinances, and inspection procedures.
5. The **HOMEOWNER** acknowledges he or she has read the warning on the reverse side of this form.

This agreement is executed as part of the building permit application.

Homeowners Signature: _____ Date: _____

Approved by Building Inspector: _____

Building Permit # _____ Issue Date: _____

License Exemption Warning

Be advised that a majority of those citizens who sign the Homeowner's Exemption Agreement on the reverse side are not fully aware of the responsibilities that go along with assuming the role of "Contractor". By seeking this exemption, you assume significant risks. Please Note:

- You are now personally responsible for all work on this project.
- You are responsible to see that all work meets the Mass. Bldg. Codes.
- You must supervise all work.
- You must call the Bldg. Dept. to schedule all required inspections.
- You have waived your rights and are no longer entitled to any Claim against the Massachusetts HIC Guaranty Fund.
- You are the General Contractor of the project and a court of law will view you as such if you are sued, or if you should have the need to sue another party.
- Your subcontractors may place liens on your property.
- Any worker injured on your project may sue you if you do not carry Worker's Compensation Insurance.
- Failure to carry Worker's Compensation Insurance may result in criminal penalties, i.e. fines and/or imprisonment.

Massachusetts General Laws chapter 152 section 25 requires all employers to provide workers' Compensation for their employees. As quoted from the "law", an employee is defined as every person in service of another under contract of hire; implied, oral or written.

An employer is defined as an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer.